



**Livestock and Seed Program
Audit, Review, and Compliance Branch
Quality System Audit Report**

AUDIT INFORMATION

Applicant Name:	Maine Organic Farmers and Gardner's Association (MOFGA) Certification Services (MCS), LLC
Est. Number:	N/A
Physical Address:	294 Crosby Brook Road, Unity, ME 04988
Mailing Address:	P.O. Box 170, Unity, ME 04988
Contact & Title:	Mary Yurlina, MCS Director
E-mail Address:	Certification@mofga.org
Phone Number:	207-568-4142
Auditor(s):	Martin Friesenhahn
Program:	USDA National Organic Program (NOP)
Audit Date(s):	February 2 – May 10, 2007
Audit Identifier:	NP7033BBA
Action Required:	Yes
Audit Type:	Surveillance - Accreditation Renewal Audit
Audit Objective:	To verify continuing compliance to the audit criteria; and to verify the implementation and effectiveness of corrective action in addressing the previous non-compliance.
Audit Criteria:	7 CFR Part 205 National Organic Program, Final Rule, dated December 21, 2000; Updated September 11, 2006
Audit Scope:	MCS's quality manual including personnel, processes, procedures, facilities, and related records.
Location(s) Audited:	MCS Office in Unity, ME; Highland Blueberry Farm in Stockton Springs, ME; and the Littlefield's Farm in Winterport, ME.

Maine Organic Farmers and Gardner's Association (MCS), LLC is a non-profit organization and is a wholly owned subsidiary of MOFGA. The MCS Organic Certification Program was accredited as a certifying agent on June 3, 2002 to the USDA National Organic Program (NOP) for crops, wild crops, livestock, and handling operations. MCS currently has approximately 321 clients with 245 crop, 182 livestock, and 26 handling operations. Clients are certified in the state of Maine with the exception of two operations in New Hampshire and one handler in Ohio.

The 5 Year Accreditation Audit process started on February 2, 2007 with a review of the documents submitted by MDA and concluded with the on-site surveillance audit which was conducted on May 8 – 10, 2007.

The initial reviews for new applications are completed by staff and then submitted to one of three committees as applicable for their review. The three committees include the Dairy, Non-Dairy Farm,



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and Processor Committees. The committee members are unpaid volunteers. The inspections are assigned to MCS contracted inspectors. One inspector is considered staff and completes the majority of the dairy inspections. Upon completion of the inspection the files are reviewed by the applicable committees and the Certification Director. The recommendations for certification are submitted to the Board President who makes the final decision for certification. The review for renewal applications are similar to the review of the new applicants except are reviewed by the staff and only by the committees in areas of concern. The final decisions for certification on the renewal applications are made by the Certification Director with recommendations by the applicable committee members when there are areas of concern.

Some changes have occurred or are occurring in the MCS organization. MCS is in the process of looking at how the files are reviewed and the certification decisions are made. These changes could be implemented in the future. Tina Wilcoxson was added as a new board member replacing Susan Tarpinium. Kate Newkirk's position was changed to the Assistant Director and Jacomijn Schravasande was added as the Administrative Assistant. In addition, Non-Dairy Farm Committee member Jim Gerritsen is taking a year off from the committee.

MCS has completed and submitted the annual updates as required. NOP training for staff members and inspectors has been completed on a regular basis. The organic staff, committee members, and inspectors are qualified in their respective areas to complete organic certification.

MCS has 10 organic dairy operations in transition under the 80/20 rule with the transitions to be completed by the required deadline. The dairy operations are currently feeding 100% organic feed to meet the applicable requirements of transition.

The audit included observations of two renewal inspections by MCS. The operations for the renewal inspections included organic blueberry harvesting and processing, and an organic dairy with milk, hay and pasture certification.

FINDINGS

Observations made, interviews conducted, and procedures and records reviewed verified that MCS is currently operating in compliance to the audit criteria except as noted in the non-compliances. The corrective action for the non-compliance from the 2006 Annual Update was verified and the non-compliance was cleared. Seven non-compliances were identified during the audit.

NP6325ACA.NC1 — Minor – Cleared - NOP §205.510 (a)(4) states, "The results of the most recent performance evaluation and annual program review and a description of adjustments to the certifying agent's operation and procedures implemented or to be implemented in response to the performance evaluations and program review." *MCS did not submit a copy of the annual program review with the annual update report.* **Corrective Action:** The annual program review was verified during the on-site audit as being completed as required.



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NP7033BBA.NC1 — NOP § 205.402 (a)(1-2) states, “Upon acceptance of an application for certification, a certifying agent must: (1) Review the application to ensure completeness pursuant to § 205.401; and (2) Determine by a review of the application materials whether the applicant appears to comply or may be able to comply...” NOP § 205.406 (a)(1) states, “To continue certification, a certified operation must...submit the following information, as applicable, to the certifying agent: an updated organic production or handling system plan...” *The organic system plans for some of the files reviewed did not have all of the applicable areas or updates completed before the inspection. In addition, the organic system plans for the inspected operations observed during the audit did not have all the applicable areas completed prior to the inspections. The incomplete areas of the organic system plans therefore had to be determined during the inspection.*

NP7033BBA.NC2 — NOP § 205.403 (c)(1-3) states, “The on-site inspection of an operation must verify: (1) The operation’s compliance or capability to comply with the Act and the regulations in this part; (2) That the information, including the organic production or handling system plan... accurately reflects the practices used or to be used by the applicant for certification or by the certified operation; and (3) That prohibited substances have not been and are not being applied to the operation...” *During the observation of the livestock inspection, the inspector did not ask about, review or observe the equipment used for the hay production. During both inspections, the inspector reviewed procedures, processes, and inputs that were not listed on the organic system handling or production plans. However, most of these deficient areas of the organic system plans were not identified as concerns to the inspected operation during the exit interviews or mentioned that they should be included.*

NP7033BBA.NC3 — NOP §205.404(b)(3) –states, “The certifying agent must issue a certificate of organic operation which specifies categories of organic operation...” NOP§205.406(d) states, “If the certifying agent determines that....any of the information specified on the certificate of organic operation has changed, the certifying agent must issue an updated certificate of organic operation pursuant to §205.404(b).” *The certificates for livestock operations included the livestock or dairy categories but did not include the category for crops (hay or pasture). In addition, certificates that were updated did not include the date of the updated information.*

NP7033BBA.NC4 — NOP §205.501(a)(11)(v) states, “Prevent conflict of interests by: requiring all persons who review applications for certification... complete an annual conflict of interest disclosure report.” *One board member and one committee review member did not list their own farm on the Conflict of Interest Disclosure Report and Confidentiality Agreement Form.*

NP7033BBA.NC5 – NOP §205.504(b)(1) requires the certifying agent to submit... a copy of the procedures to be used to evaluate certification applicants, make certification decisions, and issue certification certificates. *The procedures in the MOFGA Certification Services Organic Certification Practice Manual, A Guide for Producers 2007 and for the Certification Process are not clear for how the review and decisions are made for the operations continuing certification.*



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NP7033BBA.NC6 – NOP §205.642 states, “...a certifying agent shall charge applicants for certification and certified production and handling operations only those fees and charges that it has filed with the Administrator.” *Two processors were not charged the additional \$100.00 off farm processing fee and one applicant was not charged the \$25.00 new applicant fee. In addition, MCS had a reciprocal agreement with Baystate Organic Certifiers, Winchendon, MA, to certify each others operations when there was a conflict of interest or potential conflict of interest under clause §205.501(a)(11)(i). However, fees were not charged to the Baystate Organic Certifiers operation certified by MCS. Instead the operations were to pay the certification fees to their respective organizations. The Baystate operation had surrendered their organic certification of their farm by MCS on April 27, 2007.*

NP7033BBA.NC7 – NOP §205.662(a)(3) requires the certifying agent to include the date by which the certifying operation must rebut or correct each noncompliance and submit supporting documentation of each such correction when correction is possible and (b) requires the certifying agent to send the certified operation a written notification of noncompliance resolution when the certified operation demonstrates that each noncompliance has been resolved. *MCS had issued the certified operations written notifications of non-compliance resolution for minor non-compliances that had been issued. However, MCS had issued “concerns” or “continuous improvement points” to some clients in which the written notifications of non-compliance resolution had not been submitted. Some of these issues were minor non-compliances to the NOP Rule which would then have required the written notifications of non-compliance resolution. In addition, some of the “concerns” or “continuous improvement points” were submitted to the clients without including a date in which to address.*